Children's Mental Health Waiver

Provider Procedure for: Administrative Hearing Requests

Implementation Date: 7/1/06

Revision Date: 9/1/07

Overview

Service providers for the Children's Mental Health Waiver have the right to request an administrative hearing regarding an adverse action.

Per Chapter 1 of the Wyoming Medicaid Rules re: Rules for Medicaid Administrative Hearings, adverse action for a provider is defined as "suspension or other sanction of a provider or the denial or reduction of Medicaid payment to a provider, other than a reduction from the billed charges to the Medicaid Allowable payment."

Instructions to Locate/Access Medicaid Rules and Regulations

Website access: http://soswy.state.wy.us/rule_search_main.asp

(NOTE: rule search main.asp rather than spaces)

Highlight and open Chapter 1 rules.

Notification of the right to hearing involving claims is provided at the time the provider executes a Medicaid Provider Agreement.

Process Outline

Administrative Hearing Components	What to Expect
Right to Hearing	Regarding an adverse action
Notice of Right	Division will notify at the time of the Notice of Adverse Action. Right to hearing re: claims at time provider executes Provider Agreement.
Notice of Adverse Action	Provided in writing to include:
Time of Notice	Division will notify of denial or reduction of payments as soon as practicable after such denial or reduction.
Request for Hearing	To be mailed by certified mail (return receipt requested) or personally delivered to Division with 20 days after receipt of notice of adverse action. Shall state: • Specific reasons for request (failure to provide shall result in dismissal of request with prejudice)] • Identified issues to be raised at hearing (issues not identified cannot be subsequently raised at hearing)

Administrative Hearing Components	What to Expect
	Division will evaluate request.
Procedure after Request is Received	Within 20 days of receipt of request, will notify requesting party that determination in his/her favor has been made and specific action to be taken by Division OR Notify requesting party that hearing will be held with time, date, and place OR Notify requesting party of denial of hearing and
	reason for denial. The Division may deny a request for hearing if the
	action complained of is not an adverse action and/or the request does not meet requirements.
	A denial of a request for hearing is a final decision of the Department, which may be appealed to district court, unless otherwise agreed by the provider the Division.
Notice of Hearing	Reasonable notice shall not be less than 20 days prior to hearing date.
	Time period may be waived by the contestant upon written or oral notification to the Division. When notification of waiver is made orally, it shall be reduced to writing by the Division and entered into the contestant's record.
	Notice shall be served personally or by certified mail, return receipt requested, to the last know address of the party.
	Notice shall contain time, place, and nature of hearing; legal authority and jurisdiction under which hearing is being held; particular sections of statue/rule involved; short and plain statement of the matters asserted; the docket number assigned to the case; right to be represented by an attorney; availability of legal aid; and the right to hearing.
Informal Disposition	Settlement of a contested case by any informal means (stipulation, agreed settlement, or consent order) shall be allowed at any time, unless precluded by law.
	Any party may request that the matter be set for a settlement conference.
	Upon such request, the hearing officer shall schedule a conference and direct that a representative from each party attend, such representative to have authority to settle the matter.
	The hearing officer shall neither attend the conference nor be advised of the proposals of either party. The hearing officer may designate another individual, not previously involved in the matter, to attend the conference and assist the parties in attempting to reach a settlement.

Administrative Hearing Components	What to Expect
Maintaining Services pending Appeal	If the adverse action is upheld, the Division may institute recovery procedures to recover any excess payments made to the provider.